

INTRADEPARTMENTAL CORRESPONDENCE

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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** LAW ENFORCEMENT RELATED INJURY NO. 010-19

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Honorable Members:

The following is my review, analysis and findings for Law Enforcement Related Injury (LERI), Force Investigation Division (FID) No. 010-19. A Use of Force Review Board (UOFRB) was convened on this matter on December 15, 2019. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY<sup>1</sup>**

On April 08, 2019, at approximately 0529 hours, Officers S. Rareba, Serial No. 42247, and D. Esparza-Ramirez, Serial No. 43401, Southeast Patrol Division, were in full uniform and assigned a marked black and white police vehicle.

At the time of the incident, Officer Rareba was a Police Officer II with approximately two years and eight months with the Department. Officer Esparza-Ramirez was a probationary officer with approximately one year and three months with the Department.<sup>2</sup>

According to both officers, they had previously discussed tactics including *contact and cover* roles, radio *communications*, *foot pursuit* concepts, *lethal* and *less lethal* deployment, duty weapons and *ammunition*, *reverence for life*, and utilizing *the least amount of force necessary*. The officers also discussed flexibility and the need to sometimes switch designated roles to *best accommodate subjects to get them to comply*.

At approximately 0521 hours, Communications Division (CD) broadcast on Southeast Frequency, "Southeast units, a 415 man with a knife at 10465 South Figueroa, 10465 South

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<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

<sup>2</sup> Officer Esparza-Ramirez was in the final probationary period which allowed him to be assigned to field assignments and work with either a Field Training Officer or tenured police officer. Officers Rareba and Esparza-Ramirez were not regularly assigned partners. Prior to the day of the incident, the officers had worked together on two non-consecutive shifts.

Figueroa St, in the kitchen area, a male Hispanic, no shirt, blue shorts, armed with a butter knife, 390 and under narcotics, Code 3, Incident 631, RD 1841.”<sup>3</sup>

While at Southeast Station on administrative duties, at approximately 0523 hours Officer Rareba requested the call and advised CD that he and his partner would respond from the station. As Officer Rareba and Officer Esparza-Ramirez were leaving the station, Sergeant O. Gonzalez, Serial No. 37435, Southeast Patrol Division, advised the officers that he would also respond to the call. Officer Rareba believed that Sergeant Gonzalez would be one of his additional *resources*.

According to Sergeant Gonzalez, as part of the Department's Edged Weapons protocol, he advised CD that he would respond to the radio call. While enroute to the call, Sergeant Gonzalez responded Code 3, but did not immediately activate his Body Worn Video (BWV) because he had powered it off while at the station (**Additional - Body Worn Activation**).

According to Officer Esparza-Ramirez, as he drove to the location, Officer Rareba read the comments of the call aloud. Officer Esparza-Ramirez advised Officer Rareba that he was familiar with the *halfway house* and had dealt with residents in the house on prior occasions. Officer Esparza-Ramirez knew the residents were mostly comprised of *parolees* and *probationers*. Officer Esparza-Ramirez also stated the house would be on his (Esparza-Ramirez') *side* of the street. The officers discussed a tactical *plan* as they responded to the location. Officer Rareba designated himself as *lethal force* and determined that if the suspect was unarmed, he would *go hands on, if necessary*. Officer Rareba designated Officer Esparza-Ramirez as *less lethal force* and advised Officer Esparza-Ramirez that once they arrived at the location, he would prepare the 40mm Less-Lethal Launcher (LLL) for Officer Esparza-Ramirez.

According to Officer Esparza-Ramirez, upon their arrival, Officer Rareba broadcast their Code Six status. Officer Esparza-Ramirez then parked the police vehicle adjacent to the location and observed *people outside of the house*. He then heard a nearby witness state, "He's crazy," and "He's in there" (referring to Romero). As Officer Esparza-Ramirez walked into the paved *parking lot/courtyard*, witnesses informed him that Romero was *in the kitchen*. Believing Romero was *armed*, he decided to *switch roles* with Officer Rareba. Officer Esparza-Ramirez, thinking he would need to *handle the situation now*, transitioned to the role of the Designated Cover Officer (DCO). Officer Esparza-Ramirez then unholstered and drew his service pistol fearing *the situation may escalate to the point where he would have to use deadly force* (**Additional Tactical Debrief Topics - Contact and Cover Roles/Tactics and Drawing and Exhibiting**).

According to Officer Esparza-Ramirez, upon entering the *parking area* he directed his attention to the first open door, south of the parking lot gate, which was *the kitchen*. Officer Esparza-Ramirez observed Romero *with his hands in his pants* as he was *pacing back and forth and yelling*. Officer Esparza-Ramirez gave Romero *commands* to take his *hands out of his pants*, but

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<sup>3</sup> According to the FID investigation, the Person Reporting (PR) was identified as D. Atiba, the night manager for the Figueroa House. The Figueroa House was a transitional housing and sober living residence. The suspect, identified as J. Romero, 44 years of age, 5 foot 6 inches in height, 160 pounds, was a resident of the facility.

he *was not listening*. Officer Esparza-Ramirez observed Officer Rareba by his *side* holding the 40mm LLL. Officer Esparza-Ramirez did not *know what* Romero's *intentions* were *at that point* and continued to give him commands. Romero refused to comply and *charged* towards the officers in an *aggressive* manner. Officer Esparza-Ramirez began to *redeploy* and *step back* to *have distance* between himself and Romero to *buy time* and *to prevent the situation to escalate to the point where* Romero may *try to hurt* the officers. Officer Esparza-Ramirez observed Romero take *his hands out of his pants* and remove *his clothes*. Officer Esparza-Ramirez observed Romero was *not armed* and holstered his service pistol. Romero began *tugging* at *his genitals*. Officer Rareba then handed Officer Esparza-Ramirez the 40mm LLL and told Officer Esparza-Ramirez that he (Officer Rareba) was going *hands on*.

According to Officer Rareba, he observed a citizen standing *very close* to Romero and was unsure if he was *the PR* or if he was the victim *getting threatened by a butter knife*. Officer Rareba *believed* there was an *exigency to take him* (Romero) *into custody*. Romero closed the distance from *seven to ten* feet to approximately *three* feet which prompted the officers to *redeploy*. Officer Rareba began approaching Romero to *close the distance* so Romero *wouldn't hurt anyone else or hurt himself* while *buying time* as they waited for *other units to get there*. Additionally, Officer Rareba felt comfortable going *hands on* because of his extensive *experience in rugby and football*. Officer Rareba feared if they waited for additional resources to arrive, Romero might *hurt somebody* or *go back in* creating a *barricaded* situation (**Additional Tactical Debrief Topic - Waiting for Additional Resources**).

**Note:** A review of Officers Esparza-Ramirez and Rareba's BWV depicted the officers redeploying in a westerly direction as Romero side stepped towards them. Both officers can be heard giving Romero orders to remove his hands from his pants (**Additional Tactical Debrief Topic - Simultaneous Commands**).

According to Officer Esparza-Ramirez, he formed the opinion that Romero was under the influence of *PCP* (Phencyclidine) and was in an *altered state of mind* causing him to be a *threat to himself or others*. Officer Esparza-Ramirez held the 40mm LLL in a low ready position, but refrained from using it because he *did not believe it was reasonable to use a 40 millimeter on someone who wasn't armed* and believed *at that point they needed to go hands on* (**Additional Tactical Debrief Topics- Less Lethal Force Options**)<sup>4</sup>.

**Note:** A review of Officer Esparza-Ramirez' BWV showed Officer Rareba walk in front of Officer Esparza-Ramirez as Officer Esparza-Ramirez held the 40mm LLL in a low ready position pointed towards Romero (**Additional Tactical Debrief Topic-Situational Awareness**).

According to Officer Rareba, he *grabbed* Romero's *left arm* by placing his *left hand* on Romero's *tricep* and his right hand on Romero's *wrist area*. Romero *pushed away* and was *passively resisting* Officer Rareba's grip. Officer Rareba directed Officer Esparza-Ramirez to

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<sup>4</sup> According to Romero, beginning at approximately 2100 hours, he had consumed twenty 24-ounce cans of beer, along with approximately 2 grams of methamphetamine. Romero's toxicology report was positive for methamphetamine.

request additional units. Officer Rareba *let* Romero push away and back himself *into the corner, away from open doors* and other residents. Officer Rareba re-approached Romero and was *holding* Romero's arm. Officer Rareba *used the wall as a controlling agent*. Officer Rareba stated he was *kind of holding Romero's arm just so he wouldn't get away and possibly go hurt somebody else or go back into the residence* **(Non-Lethal Use of Force)**.

A review of the CD tapes and BWV provided by FID investigators revealed Officer Esparza-Ramirez broadcasted a back-up request for a "415 man" at approximately 0529 hours.

According to the FID investigation, Sergeant Gonzalez arrived to the parking lot/courtyard at approximately 0529:30 hours and broadcast he was Code Six, but failed to activate his BWV. Additionally, his BWV captured 47 seconds of buffering prior to activation **(Additional- BWV Activation)**.

According to Officer Esparza-Ramirez, he observed Sergeant Gonzalez arrive at their location. Officer Esparza-Ramirez gave the 40mm LLL to Sergeant Gonzalez in order to *help* Officer Rareba with taking Romero into custody. Officer Esparza-Ramirez approached Romero and *utilized a firm grip on his left arm*. Officer Esparza-Ramirez assisted Officer Rareba with turning Romero around towards the wall. Once Romero was turned around, Officer Esparza-Ramirez *utilized a firm grip on Romero's right arm*. As Romero turned around, his legs became *crossed* and he *went down to his knees on his own accord*. Sergeant Gonzalez then directed the officers to guide him *to the ground* to prevent him from *falling on the ground or hurting himself*. Officer Esparza-Ramirez then used his *right knee* to apply bodyweight to Romero's *middle upper back* while *holding himself on the door* because he *did not want to apply his full body pressure on Romero* while he was faced down on his stomach. Officer Esparza-Ramirez stated he *used just enough bodyweight to keep Romero from getting up* **(Non-Lethal Use of Force)<sup>5</sup>**.

According to Officer Rareba, Romero *had his arms beneath him and was laying on his stomach*. Officer Rareba applied *bodyweight* to Romero's legs by *sitting* on them to prevent him from *trying kick and flail* **(Non-Lethal Use of Force)**.

According to Sergeant Gonzalez, he observed that the officers were struggling with Romero who was *kicking around, giving him an advantage over the officers*. While holding the 40mm LLL in his *right hand*, Sergeant Gonzalez placed his *left boot* on Romero's *ankles* and applied *bodyweight* to assist the officers in taking Romero into custody. Sergeant Gonzalez observed that his application of force *wasn't effective* as Romero continued to kick. Sergeant Gonzalez bent down and placed *bodyweight* on Romero's ankles, placing Romero's ankles between Sergeant Gonzalez' knees. Sergeant Gonzalez then used his left hand to apply a *firm grip* to Romero's ankles to keep his ankles between Sergeant Gonzalez' knees **(Non-Lethal Use of Force and Additional Tactical Debrief Topic- Initiating Contact with 40mm LLL in Right Hand and Stepping on Limbs)**.

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<sup>5</sup> The FID investigation revealed Officer Rareba's camera was dislodged and fell on the ground. Officer Esparza-Ramirez' camera also dislodged, as he was holding onto Romero with both hands it fell to the ground. As a result, only a portion of the use of force was captured on BWV.

**Note:** Sergeant Gonzalez could not recall which of Romero's feet he placed his boot on. Sergeant Gonzalez' BWV did not appear to capture this action.

At approximately 0530 hours, Officers A. Jenkins, Serial No. 40039, A. Cruz, Serial No. 43631, H. Lucas, Serial No. 42899, J. Gov. Serial No. 43040, J. Pantoja-Gonzalez, Serial No. 42771, and B. Tahuite, Serial No. 42780, Southeast Patrol Division, responded to the back-up request. The FID investigation revealed Officers Cruz and Jenkins did not place their unit Code Six until after Romero was later taken into custody (**Debriefing Point No. 1- Code Six**).

During her presentation to the UOFRB, Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division, advised that she, in preparation for the UOFRB, conducted a walk-through with the substantially involved officers. During her walk-through with Officer Cruz, he informed her that he had attempted to place his unit Code Six by utilizing his police vehicle's Mobile Digital Computer (MDC) to avoid creating radio traffic. Officers Cruz and Jenkins did not wait in the police vehicle to verify that their status update was received by CD due to the nature of the call (back-up request). This information was documented on an Intradepartmental Correspondence, completed by Captain Tingirides, addressed to the Chair of the UOFRB.

According to Officer Jenkins, he ran into the courtyard and observed Sergeant Gonzalez and Officers Rareba and Esparza-Ramirez *struggling* to take Romero into custody. Officer Jenkins observed Sergeant Gonzalez holding the 40mm LLL and *applying some sort of control* to Romero's *lower half*. Officer Jenkins replaced Sergeant Gonzalez to allow Sergeant Gonzalez *provide a supervisory role*. Officer Jenkins *applied bodyweight* to Romero's *calves by taking a kneeling position on his* (Romero's) *lower legs* and used his *shins across the back of both of* Romero's *calves* (**Non-Lethal Use of Force**).

According to Officer Rareba, Romero *had his arms beneath him laying on his stomach* and would not give the officers his arms despite their commands. Officer Rareba reached under Romero and attempted to get control of Romero's *left wrist*, causing abrasions to Officer Rareba's hands. Officer Rareba *pulled Romero's left arm behind his back utilizing a rear wrist twist lock*. While Officer Rareba removed his handcuffs and attempted to apply it to Romero's wrist, Romero *began grabbing the handcuffs and grabbing the keys on Officer Rareba's belt*. Officer Rareba *was able to get control of Romero's left arm* and apply the handcuff. Officer Rareba reached over to grab Romero's right arm with a firm grip and pull it out from underneath him. Officer Rareba held his arm in place while Officer Esparza- Ramirez utilized a firm grip to hold his right arm and apply the second handcuff (**Non-Lethal Use of Force**).

According to Officer Lucas, he utilized a firm grip on Romero's *right forearm to help get the right handcuff onto his wrist* (**Non-Lethal Use of Force**).

According to Officer Jenkins, he informed Officer Rareba that he was controlling Romero's *lower legs*. However, Romero continued to kick his legs. Officer Jenkins handed Officer Cruz a Hobble Restraint Device (HRD) and *guided him in placing the hobble on Romero*.

According to Officer Esparza-Ramirez, while the HRD was being applied, Romero stated he *couldn't breathe*. Officer Esparza-Ramirez did not want his bodyweight to *affect him* (Romero) *in any way*, so he *stood up and assumed a position where his hand was on his upper back, not exerting too much bodyweight*. Officer Esparza-Ramirez used *enough pressure to keep Romero from standing up*, allowing Officer Jenkins to *readjust and keep Romero on the ground*. Officer Esparza-Ramirez and Officer Rareba assisted Romero to his feet and seated him in a chair provided by an uninvolved citizen. Once seated, Romero was still trying to get up. Officer Esparza-Ramirez placed *both of his hands onto Romero's shoulders with a firm grip and sat him down somewhat forcefully*. Officer Esparza-Ramirez attempted to gather information from Romero by asking his name. Romero did not respond and continued to try and get out of the chair. Officer Esparza-Ramirez used a firm grip and with his *right hand on Romero's left shoulder* and began *dragging his left hand across his chest until his right hand was on Romero's right shoulder*. Officer Esparza-Ramirez then placed his *left hand on Romero's left shoulder to secure him and keep him from trying to get up* (**Non-Lethal Use of Force**).

During the UOFRB, a review of Officer Cruz' BWV revealed that officers immediately placed Romero in a recovery position following the application of the HRD. After Romero was placed in a recovery position, the officers stood Romero up. During the UOFRB, FID investigators presented that approximately ten seconds elapsed from the point of Romero's statement that he could not breathe to the point when the officers placed Romero into a recovery position.

According to Officer Cruz, Romero continued his attempts to *lunge* away from the chair. Officer Cruz utilized a firm grip with his left hand on Romero's left shoulder to prevent his escape. When he realized it was not enough force to keep him in the chair, Officer Cruz utilized a firm grip with both hands placed on Romero's shoulders (**Non-Lethal Use of Force**).

At approximately 0532 hours, Officer Tahuite requested a Rescue Ambulance (RA) for Romero.

Sergeant A. Ramos, Serial No. 26691, Southeast Patrol Division, arrived at the scene. Sergeant Gonzalez notified Sergeant Ramos of his involvement in the non-categorical use of force (NCUOF). Sergeant Ramos began conducting a NCUOF investigation and determined the suspect did not commit a crime; therefore, the use of force was to be documented on an Employee's Report (LAPD Form 15.07.00).<sup>6</sup>

According to Officer Esparza-Ramirez, Officer Rareba told him to bring Romero to the police vehicle to *isolate him* and get him *away from the people nearby*. Officer Cruz held Romero's *left arm* and Officer Esparza-Ramirez got *ahold of Romero's right arm* while Officer Rareba held Romero's legs. Officer Esparza-Ramirez relieved Officer Cruz and used *both of his arms* to hold Romero, as Officer Rareba entered the rear of the police vehicle, still holding Romero's legs, and slid across the seat to the passenger side.<sup>7</sup>

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<sup>6</sup> FID assumed investigative responsibility prior to the completion of the 15.07.00.

<sup>7</sup> The FID investigation revealed Officer Esparza-Ramirez' BWV camera powered off as he was placing Romero into the backseat with both hands under Romero's arms (**Additional- BWV**).

**Note:** A review of the Digital In-Car Video System (DICVS) revealed that as Officer Rareba entered the police vehicle holding Romero's legs, he simultaneously placed his side-handle baton down on the floorboard of the backseat of the police vehicle. Shortly after, Officer Cruz retrieved it (**Additional Tactical Debriefing Point- Maintaining Control of Equipment**).

According to Officer Esparza-Ramirez, Romero continued to *flail his legs* to the point where Officer Rareba was *losing his grip*. Officer Esparza-Ramirez *laid* Romero *down* in the backseat. Officer Esparza-Ramirez utilized his right forearm and *applied pressure* onto Romero's *chest* to keep him from *sitting up* and *hurting himself or banging his head* as Officer Rareba secured the hobble (**Non-Lethal Use of Force**).

According to Officer Rareba, Romero was *leaning forward*, preventing him and Officer Esparza-Ramirez from securing Romero with his seatbelt. Officer Rareba utilized bodyweight to place his left forearm on Romero's chest in a downward diagonal manner so that Officer Rareba's left elbow was on Romero's *clavicle* and his left wrist was on Romero's left shoulder (**Non-Lethal Use of Force**).

During the UOFRB, FID presented a review of the DICVS depicting the use of force that occurred while officers were placing Romero into the police vehicle.<sup>8</sup> The video revealed Officer Esparza-Ramirez placed his forearm in a diagonal position along Romero's chest, with Officer Esparza-Ramirez' right elbow on Romero's right shoulder. Officer Esparza-Ramirez' right palm was on Romero's left pectoral area. The UOFRB determined that it did not appear that Romero's airway was restricted or that any pressure was applied to his neck area. Additionally, the UOFRB determined the video depicted that Romero was pushing against Officer Rareba's forearm while yelling and leaning towards the door of the police vehicle. The DICVS revealed, as Romero leaned back in an upright seated position, Officer Rareba's forearm was placed on Romero's chest and not on the area of Romero's neck. The video also revealed Romero was holding a grip on the seatbelt while officers struggled to release his grip on the seatbelt.

According to Officer Esparza-Ramirez, he was able to remove the seatbelt from Romero's grip and secure him with it.

**Note:** A review of Officer Jenkins BWV revealed that once Romero was taken into custody, Officer Jenkins responded to a status update request by CD and placed himself and Officer Cruz Code Six (**Debriefing Point No. 1- Code Six**).

According to the FID investigation, at approximately 0539 hours, Los Angeles Fire Department (LAFD), RA 64, arrived at scene and administered an injection of the *sedative* Versed in Romero's left arm prior to transport. LAFD personnel notified officers that Romero would be transported to Harbor UCLA Medical Center. Officers Rareba and Esparza-Ramirez assisted

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<sup>8</sup> Gleaned from the DICVS of Shop No. 81387.



Romero in exiting the police vehicle and secured him in the gurney. LAFD personnel placed Romero in the RA for transportation without further incident.

According to Officer Pantoja-Gonzalez, he rode in the RA with Romero as Officer Tahuite followed behind in trail in their police vehicle.

According to the FID investigation, at approximately 1000 hours, Sergeant Ramos advised Lieutenant J. Wenninger, Serial No. 30572, FID, that he was conducting a NCUOF investigation and that Romero would possibly be admitted into the hospital. At approximately 1030 hours, Detective J. Vasquez, Serial No. 35412, FID, responded to Harbor UCLA Medical Center. He spoke to Romero's treating physician, Doctor J. Williams, Harbor UCLA Medical Center, who advised that Romero would be admitted for rhabdomyolysis. Doctor Williams was unable to determine whether the rhabdomyolysis was a result of Romero's level of intoxication or the use of force applied by officers while taking Romero into custody. Detective Vasquez notified Detective J. Goossen, Serial No. 26464, FID, of the reclassification. At approximately 1149 hours, Detective Goossen, notified Lieutenant H. Hawkins, Serial No. 34094, Southeast Patrol Division, Watch Commander, and advised him the NCUOF would be reclassified as a Categorical Use of Force (CUOF) and FID would assume investigative responsibility.

According to the Watch Commander's Daily Report, Lieutenant Hawkins and Lieutenant J. Bennet, Serial No. 31406, Southeast Patrol Division, telephonically notified all of the substantially involved officers, who were already end of watch, and ordered them to not discuss the incident. At approximately 1253 hours, Lieutenant Hawkins notified the Department Operations Center (DOC) of the CUOF.

## **FINDINGS**

**Tactics**– Tactical Debrief, Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

**Drawing/Exhibiting**– In Policy, No Further Action, Officer Esparza-Ramirez.

**Non-Lethal Use of Force**– In Policy, No Further Action, Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Lucas, and Cruz.

## **ANALYSIS<sup>9</sup>**

### **Detention**

Officers Rareba and Esparza-Ramirez responded to a radio call of a 415 man with a knife who was reportedly under the influence of alcohol and narcotics. The officers arrived at the location and were directed to the suspect by witnesses who were stating the suspect was acting "crazy". The officers observed Romero standing in the kitchen, with his hands inside of his waistband,

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<sup>9</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.



while yelling and pacing back and forth. Additionally, Romero appeared agitated and sweaty. The officers formed the opinion Romero may be under the influence of a controlled substance and in need of medical attention. The officers gave Romero several commands to stop resisting, but Romero was unresponsive and did not comply. Officers utilized non-lethal force to take Romero into custody. During the course of the incident, Sergeant Gonzalez and Officers Jenkins, Cruz, and Lucas also became involved in the use of force. The officers' actions were appropriate and within Department policies and procedures.

## **TACTICS**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### **Tactical De-Escalation**

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

#### **Tactical De-Escalation Techniques**

- ***Planning***
- ***Assessment***
- ***Time***
- ***Redeployment and/or Containment***
- ***Other Resources***
- ***Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)***

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Esparza-Ramirez and Rareba, having worked together approximately three times prior to this incident, had previous discussions regarding tactical planning which included contact and cover roles, foot pursuit concepts, radio communications, edged weapons protocols, the guiding value of reverence for human life, recent crime trends and duty weapons and ammunition. The officers also discussed the need for flexibility and the possibility of switching

designated roles to gain a suspect's voluntary compliance through rapport. While enroute to the radio call, the officers discussed their familiarity with the location, prior contacts with subjects at the location, lethal and less lethal roles, non-lethal tactics, and edged weapons protocols. As such, Officer Rareba was the DCO and Officer Esparza-Ramirez was designated less-lethal with the 40mm LLL.

**Assessment** – As Officer Rareba and Esparza-Ramirez were responding to the radio call, they assessed the information provided to them by CD and formulated a coordinated approach to include lethal and less-lethal force options. Officer Rareba determined the 40mm LLL would be the most effective tool if Romero was armed with a knife and refused to drop it. Upon arrival to the location, Officer Esparza-Ramirez was advised by witnesses that Romero was nearby and acting irrational. Officer Esparza-Ramirez assessed his proximity to the location and Romero and determined he was closer. Knowing Officer Rareba was behind him and had deployed the 40mm LLL, Officer Esparza-Ramirez transitioned to the role of DCO. Upon contacting Romero, the officers assessed his behavior and determined that he was under the influence of a controlled substance, was hallucinating, and was in dire need of medical attention. After Romero removed his clothing, the officers observed he was no longer armed and Officer Esparza-Ramirez holstered his service pistol. Officer Esparza-Ramirez' assessment of the situation led him to broadcast a backup request. After unsuccessfully using repeated commands in an attempt to gain Romero's voluntary compliance, the officers utilized non-lethal force options to take Romero into custody. Throughout their application of force, the officers continuously assessed the effectiveness of each technique and adjusted them as necessary to reduce the risk of injury to Romero and the officers.

**Time** – Upon locating Romero in the kitchen, both Officers Rareba and Esparza-Ramirez used the cover provided to them by the door frame and outer wall; however, Romero immediately charged towards the direction of the officers, closing the distance and limiting the officers' utilization of time in that moment. Though the officers had not yet determined that Romero was unarmed, the officers demonstrated restraint and discipline as they quickly redeployed and re-assessed the situation. The officers were in an open courtyard/parking lot with limited options for cover. Additionally, they were surrounded by witnesses who were also residents of the rehabilitation center. Having prior knowledge of this location, the officers knew that backing into the crowd would not be a sound tactic, thus limiting their ability to create more distance between themselves and Romero. Officer Rareba determined the Romero was not violent and merely hallucinating. Romero was 44 years old, five feet, six inches tall, and weighed 160 pounds. Officer Esparza-Ramirez was 23 years old, five feet, nine inches tall, and weighed 200 pounds. Officer Rareba was 29 years old, five feet, eight inches tall, and weighed 195 pounds. Officer Rareba also had prior experience playing the sports of football and rugby. Officer Rareba was concerned that due to Romero's actions and the close proximity of other citizens in the immediate area, that Romero could escalate the incident and harm another person or barricade himself inside of a building. Officer Rareba attempted to use touch and a calm demeanor to gain Romero's compliance, but Romero pulled away. Shortly after Officer Rareba initiated physical contact with Romero, Officer Esparza-Ramirez broadcast a backup request. Both officers then approached Romero in an attempt to contain him into the corner of the courtyard and away from witnesses and the open kitchen door, affording them additional time as

they waited for additional resources. The UOFRB would have preferred that the officers had continued to wait for the arrival of the additional resources, who were a short driving distance from the station, before they initiated physical contact with Romero. However, the UOFRB determined and I concur, the officers' articulation for their approach and physical contact with Romero in order to prevent the situation from escalating was reasonable, and therefore not a deviation from Department policy and tactical training.

**Redeployment and/or Containment** – Officers Rareba and Esparza-Ramirez redeployed backwards once Romero charged at them from the kitchen. To prevent Romero from arming himself by re-entering the kitchen, Officer Rareba determined it was prudent to allow Romero to back into the corner of the courtyard, which was away from open doors and witnesses/residents. This allowed officers to contain Romero within the courtyard/parking lot with the unique layout and limited options for available cover.

**Other Resources** – Officers Rareba and Esparza-Ramirez, being aware that Romero may be armed with a knife, chose to deploy their 40mm LLL. The deployment of the less-lethal force option provided them with additional tactical options. Both officers stated they deployed the 40mm LLL to avoid the use of deadly force. Additionally, both officers were equipped with their TASERs as an additional less-lethal force option. The officers also knew that Sergeant Gonzalez was responding with them to the call for service. Officer Rareba was cognizant of the need for additional resources and told Officer Esparza-Ramirez to request for additional units. Officer Esparza-Ramirez, having a larger overview of the incident, determined that a back-up request was more appropriate and broadcast the request.

**Lines of Communication** – Officers Rareba and Esparza-Ramirez demonstrated open lines of communication with each other while responding to the call. They discussed a thorough tactical plan and discussed each of their roles. Officer Esparza-Ramirez utilized his handheld radio to communicate the need for additional resources, advising responding units of the nature of the call, a "415 man." They maintained communication with Sergeant Gonzalez by responding to his direction and oversight. The officers also continued to verbalize with Romero throughout the incident, advising him they were there to help him and assuring Romero that his hallucinations were not going to harm him. While the officers gave Romero repeated commands, Romero was unresponsive regardless of what the officers ordered him to do. This may have provided an indication for the officers to consider other options to gain Romero's compliance, including changing their tone or attempting establish a dialogue with Romero. I would have preferred that Officer Rareba and Esparza-Ramirez attempted alternative communication tactics with Romero when Romero continued to refuse to comply with the officers' commands.

The UOFRB noted the officers' attempts to gain voluntary compliance through the use of verbal commands were ineffective, possibly due to Romero's altered state. The officers thorough planning while driving enroute to the call was exemplary of Department standards and expectations. I concur with the UOFRB in their examination of the officers' actions and attempts at de-escalation during a rapidly unfolding situation and their evident desire to have Romero submit to a lawful detention.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1      Code Six**

*When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.*

*Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:*

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a back-up, assistance, or help location.*

*Note: The unit shall notify the dispatcher as soon as it is again available for radio calls.*

*When the "Code Three" has been terminated, the officer shall notify Communications Division as soon as practicable. (Los Angeles Police Department Manual, Volume 4, Section 120.40)*

Officer Jenkins and Cruz delayed in advising CD of their Code Six location upon responding to the back-up request.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation should the incident escalate and necessitate the response of additional personnel.

The Officers Jenkins and Cruz responded Code Three to a backup request located less than one mile from Southeast Community Police Station. Officers Cruz and Jenkins were the first additional unit to arrive at the scene of the back-up request. According to Officer Cruz, who was the passenger officer, he attempted to place their unit Code Six upon arrival via the MDC. Since the incident was a request for backup units which indicated an officer emergency, Officers Cruz and Jenkins did not wait in the police vehicle to confirm that the transmission was received by CD.

In this case, the UOFRB considered the spirit of the Department's Code Six policy and noted several resources were already enroute to the location due to the nature of the request by the primary unit. The UOFRB also considered Officer Cruz' attempt to place their unit Code Six using their MDC. Furthermore, upon their arrival, Officers Cruz and Jenkins were immediately involved in the use of force. Once Romero was taken into custody and the scene was contained, Officer Jenkins broadcast their Code Six location to CD as soon as it was practicable and without further delay.

Based on the totality of circumstances noted by the UOFRB, the Department's Code Three policy, that Officers Cruz and Jenkins were responding to a backup request for a unit which was already at-scene with a known broadcasted location, and that Officer Jenkins placed the unit Code Six as soon as it was practical, I find that the officers' actions were not a substantial deviation from Department policy and procedure. In an effort to improve future performance, I will direct this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Contact and Cover Roles/Tactics** – Officers Esparza-Ramirez and Rareba discussed a tactical plan while enroute to the location. However, upon arrival, Officer Esparza-Ramirez' assessment of the situation caused him to unholster his service pistol and assume the role of the DCO. Though officers are granted discretion and flexibility during fluid and dynamic tactical incidents, I would have preferred Officer Esparza-Ramirez had communicated to Officer Rareba his observations and intention to switch his designated role. Officers are reminded to, when feasible, to communicate any changes of their tactical plan, with their partner officers. I will direct this to be a topic of discussion during the Tactical Debrief.

**Simultaneous Commands** – Officers Esparza-Ramirez and Rareba gave Romero non-conflicting simultaneous commands throughout the incident. Officers are reminded that simultaneous commands can cause confusion and frustration with a suspect or subject who is in an altered state and can escalate a situation. I would have preferred that the officers maintained their designated contact and cover roles. I will direct this to be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment**– Officer Rareba set his side-handle baton on the floorboard of the police vehicle's backseat while placing Romero, who was handcuffed and had a HRD already applied, into the police vehicle during the use of force. Although Officer Rareba was dealing with an actively resisting suspect and was attempting to maintain physical control, officers are reminded, when feasible, to secure equipment prior to engaging with a suspect. I will direct this to be a topic of discussion during the Tactical Debrief.

**Initiating Contact with 40mm LLL in Right Hand** – The investigation revealed that Sergeant Gonzalez initiated physical contact with Romero to assist officers with the handcuffing of Romero while holding the primary unit's 40mm LLL. Although Sergeant Gonzalez was providing direction and oversight, I would have preferred that he slung the 40mm LLL, utilizing the attached sling, in order to allow both hands to be available to maximize the effectiveness of his involvement.

Additionally, I would have preferred that Officer Esparza-Ramirez to have also slung the 40mm LLL in order to assist Officer Rareba in taking Romero into custody to avoid inadvertently covering Officer Rareba with the 40mm LLL. I will direct this to be a topic of discussion during the Tactical Debrief.

**Stepping on Limbs**– Sergeant Gonzalez used his boot to apply bodyweight on Romero's ankles because Sergeant Gonzalez was holding the 40mm LLL with his right hand. Although the

officers were struggling to take Romero into custody, all Department personnel are reminded that stepping on limbs can lead to a loss of balance. In addition, this action can cause a negative impact to the public's perception of the Department. I will direct this to be a topic of discussion during the Tactical Debrief.

**Less-Lethal Force Options**— Officer Rareba stated in his interview with FID that according to videos he has watched, the TASER was an ineffective tool to use on suspects who are under the influence of PCP. Officers are reminded of the inherent dangers associated with suspects who are under the influence of PCP. Regardless of an officer's level of confidence and strength, suspects under the influence of PCP should be approached with great caution. Although, in this case, Romero was not initially violently resisting the officers, this incident had the potential to escalate. In order to ensure that all officers are knowledgeable of the Department's less-lethal force options and tactics related to the handling of suspects who are possibly under the influence of PCP and/or other controlled substances, I will direct this to be a topic of discussion during the Tactical Debrief.

### **Command and Control**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135). Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide)*

Sergeant Gonzalez responded to a CD request for a supervisor as part of the Department's Edged Weapons Protocol. Sergeant Gonzalez was the first supervisor to arrive at scene and while he did not declare himself as the IC, he assumed the role of an IC through his actions. Upon arrival, Sergeant Gonzalez observed the officers struggling to take Romero into custody. He ordered the officers to guide Romero to the ground to prevent injuries and to aid in handcuffing. After observing the officers continuing to struggle with Romero, Sergeant Gonzalez engaged Romero by utilizing bodyweight and applying pressure to Romero's ankles. Once responding units arrived, Sergeant Gonzalez was relieved of his involvement in the use of force and stepped back to gain an overview of the ongoing tactical situation. He continued to assess and direct the involved officers. Sergeant Gonzalez ensured that a minimum amount of force was used, along with the least number of officers engaged in the use of non-lethal force.

The UOFRB noted, and I concur, that while Sergeant Gonzalez' tactical plan was comprised of many aspects, which included continual assessment, reverence for human life by ensuring the minimum amount of force was used, and maintaining open lines of communication, it would have been preferred for Sergeant Gonzalez to maintain oversight of the incident without becoming physically involved. Responding units were approximately one to two minutes away from the location. Sergeant Gonzalez' decision to become physically involved in the use of force diminished his effectiveness to supervise and direct the officers.

Nonetheless, the UOFRB and I concur, that overall, Sergeant Gonzalez was faced with a rapidly unfolding and tactically fluid situation that could have escalated further, and it was through his oversight and command and control that the situation was successfully resolved. Therefore, the actions of Sergeant Gonzalez were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident. In an effort to improve future performance, Sergeant Gonzalez will be directed to attend a Tactical Debrief specifically addressing the topic of Command and Control and my expectations of field supervisors during a critical incident.

Sergeant Ramos responded to the back-up request and initiated a NCUOF investigation. Sergeant Ramos obtained witness statements, took photographs of the involved officers, and conducted witness interviews. Romero was later admitted into the hospital for rhabdomyolysis and the incident was later re-classified as a CUOF, with FID assuming investigative responsibility of the incident.

The actions of Sergeant Ramos were consistent with Department policy and procedure and met my expectations of a field supervisor during a NCUOF incident.

Lieutenant Hawkins was notified by FID regarding the re-classification of the incident to a CUOF. Lieutenant Hawkins and Lieutenant Bennet immediately began notifying the involved personnel and ordered each of them to not discuss the incident. Upon completion of the admonishments, Lieutenant Hawkins notified the DOC. Although approximately 64 minutes had elapsed before Lieutenant Hawkins notified the DOC, the UOFRB determined, and I concur, the late notification was reasonable due to the crucial step in the CUOF process of notifying and admonishing the involved officers who were already end of watch.



Therefore, based on the totality of the circumstances, the actions of Lieutenants Hawkins and Bennet met my expectations of supervisors during a CUOF incident.

### **Tactical Debrief**

Each tactical incident also merits a comprehensive briefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to review the officer's individual actions that took place during this incident.

Therefore, I will direct that Sergeant Gonzalez along with Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas attend the Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On April 24, 2019, Sergeant Gonzalez, and Officers Esparza-Ramirez and Rareba, attended a GTU. All mandatory topics were covered Reverence for Human Life, Tactical Planning, and Tactical Communication.

### **Drawing/Exhibiting**

*Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

### **Officer Esparza-Ramirez**

According to Officer Esparza-Ramirez, he heard a nearby witness state, "He's crazy," and "He's in there" (referring to Romero). As Officer Esparza-Ramirez walked into the paved parking lot/courtyard, witnesses informed him Romero was in the kitchen. Believing Romero was armed, he decided to switch roles with Officer Rareba. Officer Esparza-Ramirez, thinking he would need to handle the situation now, transitioned to the role of the Designated Cover Officer

(DCO). Officer Esparza-Ramirez then unholstered and drew his service pistol fearing the situation may escalate to the point where he would have to use deadly force.

Officer Esparza-Ramirez recalled,

*I saw the property manager open the door and people saying, He's crazy. He's in there. He's in there... Everybody told me, "Hey, he's in the kitchen. He's in the kitchen." My gun's already drawn, because I was -- I thought, hey, this guy might still be armed. This situation may escalate to the point where I may have to use deadly force if he's armed with a knife and charges at me.<sup>10</sup>*

*Again, we had -- we needed to have the option of less lethal and lethal. In this case it just played out that I was lethal. And we wanted to have the option to prevent the situation to escalate to the point where this person might have a knife, lunge at us, and try to hurt my partner or me.<sup>11</sup>*

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Esparza-Ramirez' Drawing/Exhibiting. The UOFRB noted that Officer Esparza-Ramirez heard the comments of the call stating that Romero was armed with a knife and, upon arrival, heard witnesses stating, "He's crazy. He's in the kitchen."

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Esparza-Ramirez, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officer Esparza-Ramirez' Drawing/Exhibiting to be In-Policy, No Further Action.

### **Use of Force – General**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience*

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<sup>10</sup> Officer Esparza-Ramirez, Page 34, Lines 1-3 ; Page 7, Line 25 and Page 8, Lines 1-6.

<sup>11</sup> Officer Esparza-Ramirez, Page 25, Lines 16-21

*placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

### **Non-Lethal Use of Force <sup>12</sup>**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

### **Officer Rareba – Firm Grip, Bodyweight and Twist Lock**

According to Officer Rareba, he *grabbed* Romero's *left arm* by placing his *left hand* on Romero's *tricep* and his *right hand* on his *wrist area*. Romero pulled away and was *passively resisting* Officer Rareba's grip. Romero backed into a corner of the courtyard while Officer Rareba held his arms. Office Rareba used the wall as a controlling agent and held Romero there while waiting for additional resources.

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<sup>12</sup> Los Angeles Police Department Manual, Volume 1, Section 556.10.

Officer Rareba recalled,

*I just grabbed the arm that was closest to me...So I believe initially it was his left and then it was his right...One on the tricep tendon and one kind of on the wrist area.<sup>13</sup>*

*So that's why I went hands on just so he didn't hurt me, hurt my partner, or anybody else or run back inside the house and then lead to a worse situation.<sup>14</sup>*

*So he tried to get away from us. Went to the back corner of the kind of residence there. And at that point we used the wall as a controlling agent, so that we could grab his arms and take him into custody without incident.<sup>15</sup>*

According to Officer Rareba, he guided Romero to the ground and applied bodyweight to Romero's legs by sitting on them to prevent him from trying kick and flail. Officer Rareba pulled Romero's left arm behind his back utilizing a rear wrist twist lock. He was able to get control of Romero's left arm and apply the handcuff. Officer Rareba reached over to grab Romero's right arm with a firm grip and pull it out from underneath him.

Officer Rareba recalled,

*So we just went down right there and that was it. I grabbed his arm while maintaining -- I had body weight. I was -- I think I was sitting on his legs.<sup>16</sup>*

*We guided him to the ground. He had his arms beneath him laying on his stomach at that point -- had him laying down on his stomach, and he wouldn't give us his arms... I was able to get control of his left arm and get a handcuff on it. So I pulled that behind his back using the rear--rear wrist twist lock... I then grabbed his right arm using the rear wrist twist lock, put his right arm behind his back, and we applied the cuff.<sup>17</sup>*

According to Officer Rareba, as he attempted to secure Romero in the vehicle, he was leaning forward, preventing him from securing his seatbelt. Officer Rareba utilized bodyweight to place his left forearm on Romero's chest in a downward diagonal manner so that Officer Rareba's left elbow was on Romero's clavicle and his left wrist was on Romero's left shoulder

Officer Rareba recalled,

*But we tried to get him into the car, so that we could reduce his movements, so he wouldn't hurt himself on our custody.<sup>18</sup>*

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<sup>13</sup> Officer Rareba, Page 46, Lines 9-10, 16-17, 21-22

<sup>14</sup> Officer Rareba, Page 24, Lines 18-21

<sup>15</sup> Officer Rareba, Page 11, Lines 15-19

<sup>16</sup> Officer Rareba, Page 29, Lines 13-16

<sup>17</sup> Officer Rareba, Page 12, Lines 2-5, 10-13, 16-18

<sup>18</sup> Officer Rareba, Page 16, Lines 20-22

*...Officer Esparza, got the seat belt out of his hands, was able to get the seat belt loosened from his grip, and then the suspect was still leaning forward so that we couldn't -- to prevent us from securing him with the seat belt...I believe it was my left forearm goes across his chest, since he wasn't leaning back, he was leaning forward, trying to get out of the car, trying to prevent us from securing him with the seat belt, and so I placed my left forearm against his chest so that he could lay back, quit squirming his head so he didn't spit or bite me or my partner and that so my partner could actually get the seat belt and wrap it around him...<sup>19</sup>*

*It's going from, I guess, his right clavicle across his sternum, I guess, it [sic] be called, across his chest...It's not like we were trying to choke him or anything like that. We're not slamming him or anything, it's literally just me putting my body structure, my forearm against his chest so we could get the seat belt across his chest.<sup>20</sup>*

### **Officer Esparza-Ramirez-- Firm Grip and Physical Force**

According to Officer Esparza-Ramirez, he approached Romero and utilized a firm grip on his left arm. He assisted Officer Rareba with turning Romero around towards the wall. Once Romero was turned around, Officer Esparza-Ramirez utilized a firm grip on Romero's right arm. Romero dropped his bodyweight to the ground. Officer Esparza-Ramirez used his right knee to apply bodyweight to Romero's middle upper back while holding himself on the door because he did not want to apply his full body pressure on him.

Officer Esparza-Ramirez recalled,

*I go help my partner. I get ahold of the suspect's left arm. And when I get ahold of it with a "C" grip...simultaneously I flip him around... I didn't think it was safe, so I flip him around to not have -- to not give him any chance to either bite us or strike us with his -- with his head or even try to kick us. So we have him up against the wall, again, as a controlling agent. And my partner has control of his left arm. I now have control of his right arm.<sup>21</sup>*

*I place my right knee on his upper back, like the middle of his upper back, to prevent any mobility... I had one knee on him, one leg on the ground, and I was holding myself onto the door. I didn't want to apply my full body pressure on him, because I didn't want to hurt him.<sup>22</sup>*

According to Officer Esparza-Ramirez, he attempted to gather information from Romero by asking his name. Romero did not respond and continued to try and get out of the chair. Officer Esparza-Ramirez used a firm grip and with his right hand on Romero's left shoulder and began dragging his left hand across his chest until his right hand was on Romero's right shoulder.

<sup>19</sup> Officer Rareba Second interview, Page 6, Lines 6-10, Lines 21-25 and Page 7, Lines 1-4.

<sup>20</sup> Officer Rareba, Second interview, Page 10, Lines 3-9, 25 and Page 11, Lines 1-4.

<sup>21</sup> Officer Esparza-Ramirez, Page 9, Lines 19-20 ; Page 10, Lines 4-5 and Page 10, Lines 5-12.

<sup>22</sup> Officer Esparza-Ramirez, Page 11, Lines 9-11, 19-22

Officer Esparza-Ramirez then placed his left hand on Romero's left shoulder to secure him and keep Romero from trying to get up

Officer Esparza-Ramirez,

*I placed both my hands on his shoulders, and I sat him down somewhat forcefully and it worked...So with my right hand, I put my right hand on his left shoulder. As I'm like going behind him, I'm dragging my left hand across his chest until my right arm--my right hand is on his left--his right shoulder. My other hand--my left hand goes onto his left shoulder.<sup>23</sup>*

*Officer Cruz gets ahold of his left arm. I get ahold of his right arm, and my partner the legs. We lift him up from the chair, and we carry him into the--into the backseat of the black and white.<sup>24</sup>*

According to Officer Esparza-Ramirez, he utilized his right forearm and applied pressure onto Romero's chest to keep him from sitting up and to keep him from hurting himself or banging his head as Officer Rareba was securing the hobble.

Officer Esparza-Ramirez recalled,

*I applied pressure onto his chest to keep him from sitting up, keeping him from possibly, again, hurting himself, banging his head as my partner is securing the hobble.<sup>25</sup>*

#### **Sergeant Gonzalez-- Bodyweight and Firm Grip**

According to Sergeant Gonzalez, he observed that the officers were struggling with Romero who was kicking around, giving him an advantage over the officers. While holding the 40mm LLL in his right hand, Sergeant Gonzalez placed his left boot on Romero's ankles and applied bodyweight to assist the officers in taking Romero into custody. Sergeant Gonzalez observed that his application of force was ineffective as Romero continued to kick. Sergeant Gonzalez bent down and placed bodyweight on Romero's ankles, placing Romero's ankles between Sergeant Gonzalez' knees. Sergeant Gonzalez then used his left hand to apply a firm grip to Romero's ankles to keep his ankles between Sergeant Gonzalez' knees.

Sergeant Gonzalez recalled,

*And I observed that while they're still trying to get the cuffs on him, he's --his legs are still kicking around and, in a way, kind of giving him an advantage over the officers. So at that point, I decide to get involved.<sup>26</sup>*

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<sup>23</sup> Officer Esparza-Ramirez, Page 15, Lines 1-2, 15-21

<sup>24</sup> Officer Esparza-Ramirez, Page 16, Lines 13-16

<sup>25</sup> Officer Esparza-Ramirez, Page 17, Lines 7-9

<sup>26</sup> Sergeant Gonzalez, Page 8, Lines 1-5

*I used my left boot on either his left or his right foot. I saw that --I noticed that that wasn't effective. So I actually got down to my knee, which is how I got this cuff[sic] on my left knee...My left knee went off just to the left of his foot so that it --it wasn't directly on it...And then I kind of --then I put my right knee on the other side of his other foot...I kind of wrap both of his ankles between both of my knees.<sup>27</sup>*

*So I go ahead and I put some body weight and a firm grip on the suspect, on the subject's ankles.<sup>28</sup>*

#### **Officer Jenkins-- Bodyweight**

According to Officer Jenkins, he replaced Sergeant Gonzalez to allow Sergeant Gonzalez provide a supervisory role. Officer Jenkins applied bodyweight to Romero's calves by taking a kneeling position on his (Romero's) lower legs and used his shins across the back of both of Romero's calves.

Officer Jenkins recalled,

*I applied body weight to the suspect's calves by taking a kneeling position on his lower legs, using my shins across the back of both of his calves. Once the hobble was applied and the suspect was handcuffed and taken into custody, I then stood up off the suspect and we talked -- I told officers, "Let's place him in the recovery position."<sup>29</sup>*

#### **Officer Lucas-- Firm Grip**

According to Officer Lucas, he utilized a firm grip to Romero's right forearm to help get the right handcuff onto his wrist.

Officer Lucas recalled,

*I ran over, applied a firm grip to his right forearm to help get the --the right handcuff onto his wrist.<sup>30</sup>*

#### **Officer Cruz-- Firm Grip**

According to Officer Cruz, Romero continued his attempts to lunge away from the chair. Officer Cruz utilized a firm grip with his left hand on Romero's left shoulder to prevent his escape. When he realized it was not enough force to keep him in the chair, Officer Cruz utilized a firm grip with both hands-on Romero's shoulders.<sup>31</sup>

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<sup>27</sup> Sergeant Gonzalez, Page 16, Lines 13-17; Page 18, Lines 15-17, 21-23 and Page 17, Lines 1-2.

<sup>28</sup> Sergeant Gonzalez, Page 8, Lines 9-10

<sup>29</sup> Officer Jenkins, Page 7, Lines 22-24; Page 8, Lines 24-25 and Page 9, Lines 1-2.

<sup>30</sup> Officer Lucas, Page 6, Lines 24-25

<sup>31</sup> During his FID interview, Officer Cruz reviewed his BWV and opined the video revealed that Officer Cruz was holding Romero's shoulder with his right hand because Romero was leaning in forward trying to lunge.



Officer Cruz recalled,

*...I was holding him with my right hand by his shoulder because he was leaning in forward trying to lunge...So I put my right hand on his shoulder in the beginning. I saw that that wasn't enough of a firm grip to hold him. So I put my left arm on his left shoulder as well, a firm grip in order to maintain his back against the back of the chair....I grabbed his left shoulder with my left arm with a firm grip. It wasn't violent in nature. I just held him so his back could stay onto the chair's back.<sup>32</sup>*

The UOFRB reviewed each application of non-lethal force utilized by Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas. Romero was the subject of a radio call which indicated that he had been armed with a knife. Once officers arrived at-scene, Romero refused to comply with officers' commands to submit to a detention, repeatedly put his hands into his pockets, and closed the distance to Officers Rareba and Esparza-Ramirez. The officers observed behaviors from Romero which indicated that he was possibly under the influence of narcotics, including Romero completely disrobing in the courtyard. Once officers were able to observe that Romero was not armed with any weapons, they attempted to detain him which resulted in applications of non-lethal force. Romero continuously violently resisted the initial responding officers, the first responding sergeant, and additional responding officers. Throughout the incident, the involved personnel utilized a minimum level of force. The UOFRB noted that the hospitalization of Romero which caused this incident to be reclassified to a CUOF was due to rhabdomyolysis and that Romero stated to FID investigators that he had consumed a large quantity of alcohol and used methamphetamine prior to the arrival of officers.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Sergeant Gonzalez and Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Romero's resistance.

Therefore, I find Sergeant Gonzalez', as well as Officers Esparza-Ramirez, Rareba, Jenkins, Cruz, and Lucas' Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

#### **Additional/Required Equipment**

#### **BWV Activation**

During the use of force, Officer Rareba's BWV camera fell to the ground and powered off. While the incident was still ongoing, Officer Rareba retrieved his BWV, powered it on, and reactivated it, resulting in a one second buffer.

During the initial use of force, Officer Esparza-Ramirez' BWV camera dislodged and fell on the ground. After affixing the BWV on his chest, Officer Esparza-Ramirez' BWV was

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<sup>32</sup> Officer Cruz Page 10, Lines 15-17; Page 25, Lines 13-23 and Page 10, Lines 18-20

unintentionally powered off while he was using both of his hands to carry Romero to the backseat of the police vehicle, as captured on BWV.

The investigation determined that Officer Lucas powered off his BWV while at the incident on two occasions and had two late activations of one minute, 15 seconds and another of seven seconds. Officer Gov powered off his BWV two times while at the incident and had one late activation of one minute, 25 seconds. Officer Pantoja-Gonzalez powered off his BWV one time at the incident and had a late activation of 17 seconds.

During the incident, Sergeant Gonzalez' BWV was activated after his arrival at scene. Sergeant Gonzalez was still within the BWV policy 90-day acclimation period during the time of the incident. Sergeant Ramos' BWV possibly malfunctioned causing a late activation.

Captain Tingirides was advised of the issues regarding the BWVs of the above mentioned personnel and conducted a thorough analysis. The analysis revealed that none of the involved personnel have a previous history of negative BWV incidents. Captain Tingirides addressed this issue through divisional training and a Supervisory Action Item (SAI) for Officers Rareba and Esparza-Ramirez. Captain Tingirides addressed the issue of powering off the BWV device by Officers Lucas, Gov, and Pantoja-Gonzalez with the issuance of a Notice To Correct Deficiencies (NTCD) and a Supervisory Action Item (SAI). The Commanding Officer of Operations –South Bureau and the Director of the Office of Operations concurred with this action. As such, I deem no further action is necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Southeast Division vehicles were equipped with DICVS at the time of the incident. The DICVS captured Romero being placed into the vehicle and seat belted by Officers Rareba and Esparza-Ramirez.

**Body Worn Video (BWV)** – Southeast Division officers at scene were equipped with BWV at the time of the incident. Officers Rareba and Esparza-Ramirez' BWVs captured the initial contact with Romero until the point where Romero went to the ground and the officers' BWVs fell off. After the use of force, the BWVs were re-attached to their uniforms. Sergeant Gonzalez' and Officers Cruz, Jenkins, Lucas, Gov, Pantoja-Gonzalez, and Tahuite's BWVs captured a portion of Romero being taken into custody.

In order to enhance future performance, I have directed Information Technology Division (ITD) to conduct an assessment of options for mounting the BWV devices to officers' uniforms. ITD completed the procurement of an improved mounting system which is currently being evaluated by the Uniform and Equipment Committee.

In order to clarify Department policy regarding the use of the BWV, on January 17, 2020, I distributed a Notice to all Department personnel reminding them of the requirement to leave the BWV device powered while deployed in the field.

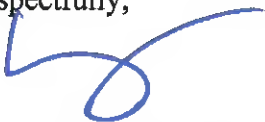
The Honorable Board of Police Commissioners

Page 25

3.2

**Outside Video Surveillance**— Six surveillance cameras were at the location and captured portions of the incident. Surveillance footage showed Romero holding a knife in his left hand while standing in the kitchen.

Respectfully,

A handwritten signature in blue ink, appearing to read 'MICHEL R. MOORE', written over the printed name.

MICHEL R. MOORE  
Chief of Police

Date: 1.23.20

<b>Employee (Last Name, First, Middle)</b> Gonzalez, Osvaldo		<b>Serial No.</b> 37435	<b>Rank/Class</b> Sergeant I	<b>Incident No.</b> 010-19
<b>Length of Employment</b> 14 years, 9 month		<b>Current Division</b> Southeast	<b>Time in Current Division</b> 0 years, 3 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		Notes:  <div style="text-align: right; transform: rotate(180deg);">           RECEIVED            POLICE COMMISSION            2020 JAN 23 PM 1:57         </div>		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

<b>Employee (Last Name, First, Middle)</b> Esparza Ramirez, Diego		<b>Serial No.</b> 43401	<b>Rank/Class</b> Police Officer I	<b>Incident No.</b> 010-19
<b>Length of Employment</b> 1 year, 3 months		<b>Current Division</b> Southeast	<b>Time in Current Division</b> 0 years, 9 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes: 25:1 WB 82 JAN 23 PM 1:52 RECEIVED POLICE COMMISSION		
<input checked="" type="checkbox"/> Employee's Work History Reviewed				

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.



<b>Employee (Last Name, First, Middle)</b> Jenkins, Andrew		<b>Serial No.</b> 40039	<b>Rank/Class</b> Police Officer III	<b>Incident No.</b> 010-19
<b>Length of Employment</b> 10 years, 0 months		<b>Current Division</b> Southeast	<b>Time in Current Division</b> 8 years, 5 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>	<b>Police Commission</b>	
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes:				
<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		Notes:  <div style="text-align: right;">           2020 JAN 23 PM 1:52            RECEIVED            POLICE COMMISSION         </div>		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.



<b>Employee (Last Name, First, Middle)</b> Lucas, Herman		<b>Serial No.</b> 42899	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 010-19
<b>Length of Employment</b> 2 years, 3 months	<b>Current Division</b> Southeast		<b>Time in Current Division</b> 0 years, 4 months	
<b>Use of Force Review Board</b>	<b>Chief of Police</b>		<b>Police Commission</b>	
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Notes:</b>				
<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input checked="" type="checkbox"/> Employee's Work History Reviewed		<b>Notes:</b>		

**Notes:**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

**Notes:**

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

